

SENATE RESOLUTION 160

By McNally

A RESOLUTION relative to the Title 42 public health order and its proposed termination by the Biden administration.

WHEREAS, three states (Arizona, Louisiana, and Missouri) have filed suit in U.S. District Court in Louisiana to halt the Biden administration's termination of the Title 42 public health order that has been used to expel a majority of migrants at the southern border, arguing that the termination of such order was effected unlawfully and will have a devastating impact on states; and

WHEREAS, the Title 42 public health order, which was implemented by the Trump administration in March 2020 in response to the COVID-19 pandemic, allows for the rapid expulsion of migrants at the border; in February 2022, 55 percent of the more than 164,000 migrants encountered at the border were expelled under the order; and

WHEREAS, the Biden administration recently announced that it will be terminating the Title 42 public health order on May 23, 2022, despite fears of a massive migrant wave in the coming months; the administration has conceded that these fears are well founded, saying that the termination of the Title 42 order will lead to an "influx" of migrants; and

WHEREAS, the lawsuit avers that the Biden administration's termination of Title 42 is not only bad policy, but is in breach of the notice-and-comment requirements set out in the Administrative Procedure Act and is "arbitrary and capricious"; and

WHEREAS, the lawsuit "challenges an imminent, man-made, self-inflicted calamity: the abrupt elimination of the only safety valve preventing this administration's disastrous border policies from devolving into an unmitigated catastrophe"; and

WHEREAS, if the Biden administration's termination order is allowed to go into effect, the states will certainly experience increased healthcare costs for aliens infected with COVID-19, in addition to being inundated with much greater numbers of illegal aliens who were encouraged to enter the United States because of the termination order; and

WHEREAS, the Biden administration's termination of the Title 42 public health order is a poor decision that will result in terrible consequences for both border states and American communities across the country and will most assuredly endanger public safety by compromising the U.S.'s southern border; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that we urge and encourage the Attorney General of the State of Tennessee to join the lawsuit challenging the Biden administration's proposed termination of the Title 42 public health order to protect states against increased costs resulting from illegal immigration, defend our southern border, and ensure the safety of all Americans.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Herbert H. Slatery III, Attorney General of the State of Tennessee, and Joe Biden, President of the United States.